

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

UNITED STATES OF AMERICA

VERSUS

CRIMINAL ACTION NO. 4:09CR77

GREG SUBER

ORDER

This cause is before the Court on the defendant's Motion for Continuance of Trial Setting [23]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The defendant seeks a continuance of the trial set to commence on August 3, 2009. In support of the motion, defense counsel avers that he recently received a plea offer from the government and he is in need of additional time to review discuss its terms with the defendant and his family. The government has no objection to the requested relief. Based on the foregoing, the Court finds that the defendant's motion is well-taken and should be granted.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(7)(A), the period of delay from August 3, 2009 until the new trial date to be set in this matter. The time is excludable under subsection (h)(7)(A) because, given the circumstances described above, a continuance is necessary to afford defendant a reasonable time to consider the plea offer tendered by the government. Therefore, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. Defendant's Motion for Continuance of Trial Setting [23] is GRANTED;
2. That the trial of this matter is continued until Monday, October 5, 2009 at 9:00 a.m. in the United States District Courthouse in Greenville, Mississippi;
3. That the delay from August 3, 2009 until October 5, 2009 is excluded as set out above;
4. That the deadline for filing pretrial motions is September 14, 2009;
5. That the deadline for submitting a plea agreement is September 21, 2009.

SO ORDERED, this the 27th day of July, 2009.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE